

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ARTHUR J. CLEMENS, Jr.,

Plaintiff,

v.

LOCAL ONE, SERVICE EMPLOYEES

INT'L UNION, et al.,

Defendants.

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Case No. 4:17-CV-2381 RLW

MEMORANDUM AND ORDER

This case is before the Court on motions filed by the pro se plaintiff, Arthur J. Clemons.

Plaintiff is a dues-paying member of Local One, Service Employees International Union (Local One) and brings this nine-count action against Local One and three of its officers for monetary and equitable relief. Among other things, Plaintiff seeks an award of damages for dues allegedly improperly raised, the disqualification of officers allegedly improperly elected, and the placement of Local One in receivership. Plaintiff also seeks certification of a class comprised of all Local One members employed by the St. Louis Cardinals.

Defendants were served on September 29, 2017; consequently their answer was due on or before October 19. See Fed.R.Civ.P. 12(a)(1)(A)(i). They filed their answer on November 1. Directed to show cause why their answer should not be stricken as untimely filed, Defendants explain that they had returned a waiver of service of summons to Plaintiff on October 6 and had anticipated filing an answer on or before November 6. They argue in their response that Plaintiff is not prejudiced by the twelve-day delay.

Plaintiff moves for a default judgment; for summary judgment; for appointment of an interim class attorney; and for an order enjoining Local One's treasurer from spending union funds to defend this case.

"Default judgments ... are not favored by the law." *U.S. on Behalf of and for Use of Time Equip. Rental & Sales, Inc. v. Harre*, 983 F.3d 128, 130 (8th 1993). A twelve-day delay in filing an answer is "a marginal failure to comply with the time requirements." *Id.* Plaintiff's motion for a default judgment will be denied.

Plaintiff's three remaining motions will also be denied. A Case Management Order has yet to issue; discovery has yet to commence. The question whether to certify a class has yet to be addressed and resolved.

Therefore,

IT IS HEREBY ORDERED that the motions of Plaintiff for a default judgment; for summary judgment; for appointment of an interim class attorney; and for an order enjoining Local One's treasurer from spending union funds in defense of this case are each DENIED.
[ECF Nos. 13, 14, 17, 18]

Dated this 19th day of December 2017.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE